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SENATE BILL 1187

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO WATER; CHANGING PROVISIONS REGULATING THE
IMPOUNDMENT OF WATER FOR LIVESTOCK.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-9-3 NMSA 1978 (being Laws 1907,
Chapter 49, Section 74, as amended) is amended to read:

"72-9-3. STOCK WATER.--

A. Any stockmen or stock owners desiring to impound
any of the public surface waters of the state for watering of
livestock shall ~~[apply to the state engineer on a form
prescribed by the state engineer. If the capacity of the
proposed impoundment is ten acre-feet or less, the applicant
shall meet the requirements of this section. If the capacity
of the proposed impoundment exceeds ten acre-feet, the
applicant shall]~~ meet the requirements of filing applications

underscoring material = new
[bracketed material] = delete

1 for the appropriation and use of water pursuant to Section
2 72-5-1, 72-5-22, 72-5-23 or 72-5-24 NMSA 1978, except as
3 provided in Subsection B of this section.

4 B. ~~[Upon the filing of an application pursuant to~~
5 ~~this section] If [the state engineer finds that] the capacity~~
6 of the proposed impoundment of public surface water is ten
7 acre-feet or less ~~[will not be on a perennial stream]~~ and
8 there is no perennial or intermittent flow in the watercourse
9 between the proposed impoundment and the nearest downstream
10 surface water diversion, and if the proposed impoundment will
11 be used for watering of livestock as defined in Subsection D of
12 this section, ~~[the state engineer shall issue a permit to the~~
13 ~~applicant to impound and use the waters applied for]~~ the
14 stockman or stock owner is exempt from the application and
15 permit requirements; provided that [as part of an application]
16 for an impoundment on state or federal land, the ~~[applicant]~~
17 stockman or stock owner submits proof to the state engineer
18 that the ~~[applicant]~~ stockman or stock owner is legally
19 entitled to place livestock on the state or federal land where
20 the water is to be impounded and has been granted access to the
21 site and has permission to occupy the portion of the state or
22 federal land as is necessary for the impoundment.

23 C. This section shall only apply to impoundments
24 constructed for the watering of livestock after ~~[the effective~~
25 ~~date of this 2004 act]~~ July 1, 2007.

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underscoring = new
~~[bracketed material]~~ = delete

1 D. As used in this section, "livestock" means
2 "livestock" as defined in Section 77-2-1.1 NMSA 1978 and this
3 section applies only to the impoundment of surface water for
4 the purpose of watering livestock. Watering of livestock does
5 not include an impoundment of surface water or ground water in
6 any amount for fishing, fish propagation, recreation or
7 aesthetic purposes, which shall require a permit pursuant to
8 Section 72-5-1 NMSA 1978. In determining whether an
9 impoundment will be used for the watering of livestock, the
10 state engineer may consider the maximum amount of water
11 required per livestock unit and shall take into account
12 regional and climatic conditions that affect consumption."

13 Section 2. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2007.

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